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A NEW STATUTE
FOR THE
PROTECTION OF CHILD-BEARING
FACTORY WORKERS AND MEANS OF
MAKING IT EFFECTIVE

EDWARD BUNNELL PHELPS

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A NEW STATUTE

FOR THE

Protection of Child-Bearing Factory Workers and Means of Making it Effective

By EDWARD BUNNELL PHELPS

Reprint from Appendix X of the Second Report of the New York
State Factory Investigating Commission, submitted
to the Legislature January 15, 1913

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APPENDIX X

BRIEFS AND MEMORANDA

The New Statute for the Protection of Child-Bearing Factory-Workers and Means of Making it Effective

By EDWARD BUNNELL PHELPS,

Editor, The American Underwriter, and Author of "A Statistical Study of Infant Mortality," "Infant Mortality's Urgent Call for Action," "Infant Mortality and Its Relation to Woman's Employment," "The World-Wide Effort to Diminish Infant Mortality," Etc.

For at least half a century the heavy infant mortality in manufacturing districts, and its unquestionable relation with women's work, has been a prolific subject of discussion with health officials and medical authorities on the other side of the Atlantic, and the pioneer Swiss statute prohibiting the employment in factories of child-bearing women for eight weeks before and after confinement dates back more than thirty-five years. This statute (section 15) became part of the Federal Law on March 23, 1877, and less than five years later the eminent English economist, Dr. William Stanley Jevons, published in the *Contemporary Review*, of January, 1882, an exhaustive paper on "Married Women in Factories," in which he gave considerable attention to the necessity for, and prospect of, similar legislation by the British Parliament. The paper in question is included in the volume of reprints of his papers published in 1883 under the title of "Methods of Social Reform," and appended to it in the volume in question is the following note bearing the initials of his widow:

NOTE.—During the last few weeks of his life (Prof. Jevons was drowned in August, 1882) my husband was much occupied with the question of infant mortality, as he had undertaken to prepare a paper on that subject for the meeting of the Social Science Association, held at Nottingham last September. That paper was never to be written, and the results of his many hours of labour were therefore lost. I can only say here that he had most carefully examined into the statistics of infant mortality in every town

of every county throughout England and Wales, and that he told me that he thought from this exhaustive inquiry he should be able to give most convincing proof of the influence which the absence of the mother at work has upon the death rate of the children, and of the urgent need which exists for legislation upon the subject.

H. A. J.

It was unfortunate that Dr. Jevon's intended paper of thirty years ago was destined to die in the making, as the results of such a man's investigation might have proved an important and far-reaching contribution to the literature of the subject. But, even in his preliminary paper on "Married Women in Factories" there were many rays of light on the subject then comparatively a new subject, and some of the paragraphs in question, written for English readers and more than thirty years ago though they were, are entirely applicable to the situation created by the new New York law in relation to child-bearing women's employment in factories, mercantile establishments, mills and workshops. As the carefully-thought-out conclusions of a distinguished economist they are herewith reproduced, and read as follows:

"It is the class 'child-bearing women,' that legislation must deal with, if at all. Opinions will differ greatly, however, as to the extent, means, and purpose of the legislation required. The slightest form of interference would consist in excluding women from factories for a certain number of weeks before and after confinement. Mr. Mundella explained to the Factory Acts Commission of 1875 that in Glarus, and some other Swiss Cantons, a woman was obliged to remain at home for six weeks in all, fixing the time at her own discretion. There can be so little doubt as to the hygienic advantages of such a law, that the only question seems to be the possibility of enforcing the law. What is practicable in a small mountain district like Glarus, where everybody knows everybody else, might totally fail in an ocean of population like that of Lancashire or London. It will be generally agreed that the employer can hardly be made responsible for delicate inquiries into the condition of his female mill-hands. The Factory Act Commissioners bring forward, moreover, other serious difficulties; for in-

stance, the danger of adding a new and very powerful motive for concealment of birth.

“ It appears pretty plain that if there is to be legislation concerning child-bearing women something more thorough is required. The women may be quite fit for work in one month; but what about the infant? The latter is pretty sure to be relegated to that scourge of infant life, the dirty fungus-bearing bottle. I do not think that it will be possible for the Legislature much longer to leave untouched the sad abuses which undoubtedly occur in the treatment of infants, especially in the manufacturing districts. The existence of such abuses is sufficiently indicated by the high rate of infant mortality already alluded to. (Pp. 155-6.)

“ It seems impossible, then, not to concede that the employment of child-bearing women leads to great abuses; and when these abuses reach a certain point, they may become all that is needed to warrant legislation. As to the exact form which such legislation should take, inquiry, if not experiment, must guide us. The law of Switzerland and some foreign countries (Note. This statement was written as long ago as 1881, and published in 1882), even if it could be carried out in our populous towns, seems to be inadequate. Probably it would be well to impose restrictions and penalties upon the negligent treatment of infants, without waiting until the case ripens for the coroner's court. It ought to be a punishable offence to shut very young children up in a house alone, or otherwise to abandon them for any considerable length of time, except, of course, under the pressure of emergency. But I go so far as to advocate the *ultimate complete exclusion of mothers of children under the age of three years from factories and workshops*. (Pp. 166-7.)

“ Although the complete exclusion of child-bearing women from factory employments is the object to be aimed at, the violence of the change might be mitigated for a time. Licenses might be given to particular large factories to employ such women on the condition that they establish on or close to their premises *crèches* under constant medical supervision, where the mothers might visit their infants at intervals during the day. This plan has been adopted by some of the wealthy and benevolent manufacturing firms in France, and is said to have produced most beneficial results. (See

Transactions of the Manchester Statistical Society, 1868-9, p. 10.) But no such *crèche* should be allowed to exist except under direct Government inspection, and, in any case its existence should be regarded as a transitional measure.

“Widows and deserted wives would need to be gently dealt with; if, having a numerous family, they ought to have poor-law relief, to be added to the small earnings which they can make by home employment. In the long run it would pay for the State to employ them as nurses of their own children. Where there are only one or two infants, the mother might be allowed to deposit them for the day at a *crèche*, established for and restricted solely to such cases, or at employers’ *crèches*, just mentioned. (P. 169.)

“The objection may no doubt be made, that the exclusion of child-bearing women from works in public factories would be a new and extreme case of interference with the natural liberty of the individual. Philosophers will urge that we are invading abstract rights, and breaking through the teachings of theory. Political economists might, no doubt, be found to protest likewise that the principles of political economy are dead against such interference with the freedom of contract. But I venture to maintain that all these supposed natural entities, principles, rules, theories, axioms, and the like, are at the best but presumptions or probabilities of good. There is, on the whole, a certain considerable probability that individuals will find out for themselves the best paths in life, and will be eventually the best citizens when left at liberty to choose their own course. But surely probability is rebutted or destroyed by contrary certainty. If we find that freedom to work in factories means the destruction of a comfortable home, and the death of ten out of twelve of the offspring, here is a palpable evil which no theory can mitigate. What can be more against all principle, all right, nature, duty, law, or whatever else is thought to be most immutable and sacred, than that a mother should learn to hear ‘with nonchalance’ that her infant had died at the nursing-house, while she herself was at the factory? The social system, like the human frame, may become so far diseased that the intervention of the physician is imperative.

Speaking of liberty and rights, it must be apparent, too, that the parties most seriously concerned in the matter are

the infants. They have no means of raising a public agitation, or, if they venture to protest in their own manner, are soon stilled with 'Godfrey.' But surely if there is any right which is clearly founded in the natural fitness of things, it is the right of the infant to the mother's breast. She alone can save from virtual starvation and death. She alone can add inches to the stature, fulness to the muscles, and vigour to the mind. It is in the present state of things that rights and principles are most flagrantly cast aside. (Pp. 170-1.)"

These opinions and conclusions are not those of an agitator, or jaundiced and perennial critic of society, but are the sane and sober utterances of a recognized thinker and economist. And, even at the risk of encroaching on the space assigned to me, I have deemed it well worth while to reproduce them *verbatim* by way of prelude to my response to the request which I received from the Factory Investigating Commission for "your views and suggestions concerning the means that should be adopted to protect pregnant women in factories and manufacturing establishments." This request, of course, was apropos of the enactment at the instance of the Commission of the new law of New York State (chapter thirty-six of the laws of nineteen hundred and twelve, section 93-a), which provides:

Employment of females after childbirth prohibited. It shall be unlawful for the owner, proprietor, manager, foreman or other person in authority of any factory, mercantile establishment, mill or workshop to knowingly employ a female or permit a female to be employed therein within four weeks after she has given birth to a child. This act shall take effect immediately.

In effect, if not in words, this act is practically a reproduction of the British law, first included in the Factory Act of 1891 (section 17) and subsequently in the Act of 1901 (section 61), which provides that "an occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child." The last fifteen words in the British and New York statutes are identical, in each of the statutes in question the word "knowingly" is included, and the close relationship of the laws is obvious.

The New York law is the second of the kind to be enacted in this country, the first of the kind being the Massachusetts statute, approved March 31, 1911, which reads as follows:

Section 1. No woman shall knowingly be employed in laboring in a mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth.

Section 2. The foregoing section shall be included in the notice with regard to the employment of women now required to be posted in mercantile, manufacturing and mechanical establishments, and the provisions thereof shall be enforced by the district police.

Section 3. Violations of section one of this act shall be punished by a fine not exceeding one hundred dollars.

Section 4. This act shall take effect on the first day of January, nineteen hundred and twelve.

As above stated, the Massachusetts statute was the first law ever adopted in this country directly or indirectly dealing with this phase of women's work, but many — in fact, a decided majority — of the European nations, following the Swiss Federal Act of 1877, have for many years had on their statute books laws prohibiting the employment of child-bearing women for varying periods immediately following — and in some cases, preceding — their confinement. In the course of my investigation of the subject of infancy mortality I had become familiar with the laws in question, and the literature on the subject, became convinced of the eminent desirability of legislation on these lines, and at the Conference on Uniform Legislation at Washington, on January 17-19, 1910, called by the National Civic Federation — to which I had been appointed a delegate by the American Statistical Association — acting only in my personal capacity, I introduced a resolution recommending the enactment of a uniform law in the States of this country prohibiting the employment of child-bearing women under certain conditions. The resolution was tabled by the committee on resolutions, but was the first recommendation of the kind, in so far as I have been able to learn, ever brought before any national body in this country, and, although not

adopted, is herewith reproduced in order to complete the record of legislation, or attempted legislation, on these lines in this country up to date:

WHEREAS, Not only the appalling infant mortality but the health of the nation and the very future of the human race demand the alleviation in so far as practicable of the painful conditions of child-bearing and infant life in the ranks of working women, whose well-known fertility is the only safeguard against the world's declining birth-rate; and

WHEREAS, Practically all the nations of Europe long since recognized the vital importance of prohibiting by statute the employment of child-bearing women in factories and workshops for at least a specified number of weeks after — and in some cases, before — their confinement, but as yet no prohibition of the kind has been included in the labor laws of this country, although more than one million females of sixteen years and over — or more than one-fifth of the working women of the United States — are employed in factories and workshops; and

WHEREAS, The exigencies of business competition between the several manufacturing States obviously make imperative the general adoption of the prohibition in question if the eminently-desirable result is to be attained; therefore,

Be It Resolved, That this Conference of the National Civic Federation earnestly recommends the general adoption of a law prohibiting the employment of child-bearing women in factories and workshops within one month before, and two months immediately following, their confinement; and,

Be It Further Resolved, That the Conference also recommends the enactment of a supplemental uniform law providing that all employers of this class of labor, by means of contributory insurance of their female help or by such other means as they may see fit to adopt, shall provide for the creation of maternity funds out of which the child-bearing female employees shall be paid at least one-half of their several wages during the period of their prescribed withdrawal from their labor in factory or workshop.

In the last clause of the preceding resolutions, in my judgment is to be found the keynote to successful legislation on these lines

— in fact, the prerequisite for all effective legislation of the kind — to wit, provision for the creation and maintenance of a maternity fund, out of which the wages, in whole or part, of child-bearing factory women may be paid during their legally-prescribed rest immediately preceding or following confinement. Practically all of the authorities on, or students of, the subject are agreed that the maintenance of some form of maternity fund is the inseparable complement of the prohibition of employment of child-bearing women, or, in other words, that it is futile to attempt to debar from work which they can obtain female factory workers, many of whom have no other source of income than the wages which they thereby earn. However urgent the occasion for the child-bearing women of this class to rest from their labor for the time being — urgent for them as well as for the babies which they have just brought into the world — the stern logic of necessity tells many of them that under present conditions in this country they must either work or starve. And it is inevitable that women so unfortunately situated will work up to practically the last minute before child-birth, and drag themselves back to work at the very first opportunity after it, whatever the physical results to them and their babies may be.

Should they find that their employers were disposed to live up to the spirit of the law prohibiting their employment for four weeks after child-birth, immediately would loom up, as Dr. Jevons suggested, “the danger of adding a new and very powerful motive for concealment of birth.” If concealment of birth, or false statements as to the date of birth, did not suffice to secure the coveted re-employment, the child-bearing woman would naturally have a powerful incentive to cross the State-line, and secure employment in a similar industry in an adjoining State in which no laws regarding the employment of child-bearing factory women were in force. In short, in this country at least, with its fifty or so sets of labor laws, it would seem to be practically useless to endeavor by statutory measures to stem the tide of self-preservation, and prevent factory-working women in one way or other finding the level fixed for them by sheer necessity. In so stating the case, I have no thought of reflecting on the new law of New York State whose enactment by the Legislature and approval by

the Governor in my opinion constitute a most important forward move in the labor legislation of this country. But it is necessary that the present situation should be pictured exactly as it is, however unpleasant the picture may be for the moment, if the necessities of the case are to be recognized, and the imperative supplemental legislation secured without needless loss of time.

More than twenty years' experience with the substantially identical British law has demonstrated that the presence of the word "knowingly" in the statute makes it practically inoperative and impotent. As that well-known English authority on Infant Mortality, Dr. George Newman, puts it in his standard work on "Infant Mortality—A Social Problem," "it has been found in practice that the word 'knowingly' suggests an adequate defence for culpable negligence, so that it is extremely difficult in many cases to bring home the responsibility of such employment to the actual offending manager or foreman. At present section 61 is being considerably evaded, which indicates negligence, at least, on the part of employers, and in some degree ignorance on the part of mothers, although there is no doubt that it is often a question of working or starving. 'The spirit, if not the letter,' reported Miss Anderson, Principal Lady Inspector of Factories, 'of the present law is broken.'" (Pp. 270-1.) In addition to branding the law of England as practically futile, Dr. Newman, as will be noted, makes substantially the same statement as was made by me on a previous page, namely, that, as the women to whom the law applies look at it, "it is often a question of working or starving." Various other authorities might be cited on these two points, the use of the word "knowingly" in the statute, and the fearful dilemma for many women of "work or starve," but the facts in the case are so self-evident as to make entirely unnecessary the citation of further authorities. In that event, the only question remaining, and the all-important one, is, how may the pioneer law be so utilized, or amended, as to serve the purpose of its enactment?

The answer to that question seems to me almost instantly patent, to wit, first, concentrate public attention on the enactment and pressing necessity for the pioneer American laws of those two all important States, Massachusetts and New York, and combine

these pioneer statutes as a lever for lifting this country on these lines to the level of the rest of the civilized world, just as has been done, or is now doing, in the case of Workmen's Compensation; secondly, with the help of the sentiment thus created, bring about the adoption of the supplemental legislation imperatively needed to protect the factory-working mothers, and thus consummate the purpose of the movers of the Massachusetts and New York laws.

This country is now passing through an era of constructive legislation, especially in the field of social betterment. The atmosphere is heavily charged with the reform spirit, and it should not be difficult to make the child-bearing factory-women movement part and parcel of the present reform crusade. As yet the public has heard practically nothing of it, and has no conception of its far reaching importance, but with the magic wand of Publicity miracles may be accomplished in short order in this country. Suppose the Factory Investigating Commission, for instance, were to prepare a concise, readable, summary of the situation, and of its successful preliminary move on these lines, place it in the hands of all the leading humanitarian and labor organizations of the State, and strive to enlist the support of the leading newspapers of the State. Suppose the Commission, or some organization or newspaper acting in its behalf, were to circularize the manufacturers and other large employers of female labor, and try to get them fairly and squarely committed for, or against, carefully thought-out measures on these lines. Can anyone doubt the ultimate effect of such a campaign?

In my judgment there are two vital points which should be made in such a campaign: first, the fact that practically all the other civilized nations are far ahead of the United States in their statutory protection of child-bearing factory-women; secondly, the fact that the total outside cost of the maternity fund which is a prerequisite of an effective law on these lines would by no means be a serious obstacle, but practically an infinitesimal item, as I shall subsequently demonstrate. The showing, the proving, of the first-named fact would go a long way to shaming the American public, and American legislators, into action; the demonstration of the second fact, the comparatively petty cost of a liberal maternity fund, would do much to dispel the alarm of manufacturers,

and other employers of female labor, who in their ignorance of the subject would naturally be inclined to fear the cost consequences of the proposed innovation.

Now, as to the first point, the backward position of the United States as compared with that of other civilized countries. Austria, Belgium, Bosnia, Denmark, France, Germany, Great Britain, Holland, Italy, Norway, Roumania, Spain, Switzerland, and even Russia have long had either laws, or widely followed practices, for the protection of child-bearing women in factories which, as yet, are practically undreamed of in this country. Even in far-away Argentina for nearly five years there have been in force in the capital of the republic special ordinances which provide that "in businesses where women are employed, mothers shall be allowed to nurse their infants for fifteen minutes in every two hours; the time so allowed shall not be deducted from the time prescribed for rest." In all of the countries named the employment of women in factories for at least four weeks after confinement is prohibited, with the exception of Russia, which has no national law on the subject, but the Factory Commissions of the Provinces of St. Petersburg, Moscow, and Warsaw require maternity wards in factories employing considerable numbers of workers, and some commissions have established a maximum time limit of three months for this free medical help. In Germany the elaborate system of *Krankenversicherungsgesetz* (Law of Insurance against Sickness) grants to lying-in women for a period of six weeks an allowance equal in amount to one-half the average day's wages of the locality, the system applying to women in factories and workshops and employed in home industries.

Both Denmark and Norway provide for financial aid for the mothers prohibited from employment, when such aid is necessary, and in neither case is the aid so given to be considered as "poor relief." It is in Italy, however, that by far the most advanced provision is now made for a maternity fund for the support of working women in case of child-birth. The present law for the establishment of a national maternity fund was enacted on July 17, 1910, after a protracted discussion of the subject reaching back about fifteen years, and thus was established the first national institution for maternity insurance in the world. The employer,

the employee, and the State contribute to the fund, the annual contribution for women between 15 and 20 being one *lira* (19.3 cents), and for women between 20 and 50 two *lire* (38.6 cents), of which one-half is paid by the employer. The State adds a contribution of ten *lire* (\$1.93) in each case, or one-fourth of the total of forty *lire* (\$7.72), which is paid to each working woman in case of child-birth, on condition that she discontinue work for seven weeks.

A very important phase of the agitation culminating in the enactment of this progressive law of Italy was the investigation conducted by the Italian Bureau of Labor in 1903, by direction of the Minister of Agriculture, Industry and Commerce, for the purpose of ascertaining the probable cost of the maternity fund then proposed, which was to allow maternity benefits of either one-half or three-quarters of the beneficiary's wages for thirty days. The investigation covered the year December 1, 1902, to November 30, 1903, included 172,365 female employees between ages 15 and 54 in 2,654 establishments, and showed that the birth-rate per 1,000 full-year workers of those ages would be about 45, and that the payment for thirty days to each of the mothers of one-half or three-quarters of her regular wages would cost, respectively, $\frac{3}{10}$ and $\frac{45}{100}$ of one per cent of the payroll of the female full-year workers. This investigation was the only one of the kind ever made — certainly the only one on any such large scale — and furnishes a most important check on the calculation of the probable cost of half-wages for ten weeks in the case of each child-bearing factory worker in the United States which I made before introducing at the Conference of the National Civic Federation, in January, 1910, the resolutions presented on previous pages of this paper.

On the basis of the utterly insufficient and unsatisfactory data available for this country, I then figured, and so informed the delegates to the conference, that the payment of half-wages for ten weeks to child-bearing factory women in this country probably would not exceed one-half of one per cent of their total payroll, or, in other words, that the payment of full wages for ten weeks would probably amount to not more than one per cent of the payroll of female factory workers. The results of the Italian inves-

tigation of 1903 were not then known in this country, and did not make their appearance in any English work until they were published in the Twenty-fourth Annual Report of the U. S. Commissioner of Labor, in September, 1911. Making allowance for the difference between the exceptionally high birth-rate of Italian working women and the presumptive birth-rate of factory workers in this country, the Italian Bureau of Labor's findings would seem approximately to justify my conclusions that the payment for ten weeks of full wages to American factory-working mothers would not exceed one per cent of their combined annual payroll.

The wages paid to, and the conditions governing the employment of, American factory-working women are so materially different from those in the case of the working women of Italy, that the results of the investigation by the Italian Bureau of Labor may not convince American employers of their applicability in this country. By way of demonstration, therefore, that the percentage of cost of a permanent maternity fund for the protection of factory-working women in this country would not materially exceed that shown by the Italian investigation of some years ago, a concise tabular summary of the probable approximate experience in this country is herewith submitted. The returns of the Twelfth Census, of 1900, being the latest detailed figures for the country as a whole as yet available, the appended computation is made on the basis of the census figures for 1900:

Assumed number of births in the United States in 1900, estimated on basis of apparent birth-rate of 35.1 per 1,000 of mean population...	2,644,512
Approximate number of married women of child-bearing ages, 16-44 years, inclusive.....	9,791,272
Apparent birth-rate per 1,000 married women of ages 16-44, inclusive.....	270
Total number of women of ages 16-44, inclusive, employed in manufacturing and mechanical pursuits	1,071,467
Probable number of married women in preceding group, estimated on basis of ratio of married women of all ages to total number of women thus employed, namely, about 13 per cent. . . .	139,291

Apparent number of births to the married women between ages 16-44, inclusive, employed in manufacturing and mechanical pursuits, calculated on basis of the birth-rate of 270 for all married women of those ages....	37,609
Total annual payroll of the 1,071,467 women between ages 16-44 employed in manufacturing and mechanical pursuits on basis of \$6 per week, or \$312 per year.....	\$334,297,704 00
Total annual cost of payment of full wages at \$6 per week for 10 weeks to each of the 37,609 women employed in manufacturing and mechanical pursuits presumably bearing children,	\$2,256,540 00
Total cost of maternity benefits, allowing margin of 25 per cent. additional for expense of collection, disbursement, bookkeeping, etc...	\$2,820,675 00
Ratio of cost to annual payroll on this basis...	about 0.84%

It will be recalled that the Italian investigation discovered an apparent birth-rate of 45 per 1,000 full-year workers between ages 15-54, inclusive, which was equivalent to one of about 40 per 1,000 of the total number of female workers in the field of investigation. The preceding approximate tabulation for the United States which I have worked out on the basis of the figures of the Twelfth Census tentatively suggests 37,609 births for 1,071,467 female workers between ages 16-44, inclusive, engaged in manufacturing and mechanical pursuits, or a birth-rate of 35.1 per 1,000, but unquestionably the actual birth-rate per 1,000 was considerably higher for the reason that in the case of all married women in the United States between ages 16-44, inclusive, only about 21 per cent were included in the group between ages 16-24, inclusive, whereas no less than about 56 per cent of all the women between ages 16-44, inclusive, engaged in manufacturing and mechanical pursuits were in that most fertile group of child-bearing women. By way of allowing a liberal margin for safety, suppose that the apparent birth-rate of 35.1 per 1,000 women of ages 16-44, inclusive, engaged in manufacturing and mechanical pursuits is lifted to 40 per 1,000. The Italian birth-rate is notoriously high, and this assumption of a similar birth-rate for

American factory-working women of child-bearing age would seem to be a particularly liberal one. Applying that rate to the 1,071,467 women of child-bearing age in the American factory-working class, there would apparently be 42,859 births among them in the course of a year, and ten full weeks' wages at \$6 per week to each of these 42,859 mothers would amount to \$2,571,540. Making the former liberal allowance of 25 per cent for the possible expenses of the maternity fund, the total annual cost of the fund would be \$3,214,425, or about 96/100 of one per cent of the annual payroll of these 1,071,467 working women, equivalent to an annual per capita cost of almost exactly \$3 a woman.

The Italian investigation showed that the payment of one-half wages for thirty days would probably amount to three-tenths of one per cent of the payroll, and consequently on that basis the payment of full wages for ten weeks, or sixty working days, would foot up four times as much, or about 1.2 per cent of the payroll. Allowing for the discrepancies in ages, assumed birth-rates and expense margins in the Italian and American computations, the apparent cost showings of 1.2 per cent and 96/100 of one per cent of the working women's payroll are therefore in substantial accord. It would seem to be reasonably safe to assume that the maintenance of a maternity fund for factory-working women in the United States, and the payment of even ten weeks' full wages to each of them bearing child would not annually exceed one per cent of their payroll. If only half-wages, or full-wages for only five weeks, were to be paid, of course the cost would be cut in two, and reduced to less than one-half of one per cent of the payroll.

I believe that this showing brings the idea of a maternity fund for American factory-working women out of the clouds of uncertainty, and close to the ground of commercial and economic practicability. Apparently the annual per capita cost of such a fund would not exceed 6 cents a week, or one cent a working day, for each female worker of child-bearing age employed in manufacturing or mechanical pursuits. If the employer were to provide half of the cost, a deduction of 3 cents a week, or preferably 13 cents once a month, from each woman's pay envelope would furnish the entire cost of the fund—for the time being leaving out of consideration the possibility of any contribution, direct or

indirect, to the fund on the part of the State. And it must not be forgotten that the Italian Government has contracted to meet one-fourth of the entire cost of its National Maternity Fund, or that so sound an economist as Prof. Jevons more than thirty years ago arrived at the conclusion that "in the long run it would pay for the State to employ them (the working mothers) as nurses of their own children." However, the time for the discussion of this advanced phase of the child-bearing factory-women problem has not yet arrived, and the question of the immediate present is, cannot the imperatively-needed maternity fund be established, one way or another, in the near future.

Is not some such plan entirely practicable, and would not the great benefit which it would mean, not only for the working women and their offspring but for the future population of the country, make it well worth the cost, and well worth the trying? Personally, I most emphatically believe that the answer to each of these questions is YES, and that until some such method of providing a maternity fund has been worked out no law prohibiting the employment of child-bearing women in factories during the period immediately following, or preceding, their confinement will be practicable in this country. The law now on the statute-books of Massachusetts and New York in my judgment merely amounts to an official registration of a most important declaration of faith in the necessity for some such law; when some practicable means of compensating the working mothers during the period of enforced rest has been devised, and put in force by legislation or otherwise, such a law will be effective, and not until then as I see it. The painful natural law—or unwritten law of modern social and economic conditions—of "work or starve," applicable in so many cases of factory-working women, so foreordained.

NEW YORK, *May* 6, 1912.

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